

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.5043/07
Nand Lal Vs. Executive Engineer, PWD, Jaipur &
Ors.

23.08.2007

Hon'ble Mr. Justice Mohammad Rafiq

Smt. Naina Saraf for petitioner.
Shri Harshvardhan Nandwana, Dy. GA for
respondents.

The petitioner has filed this writ petition with the prayer that the sanction order dated 7.4.2007 by which the approval was granted for construction of road by the State Government under Prime Minister Road Yojana be quashed.

Learned counsel for the petitioner argued that in front of his house, there is covered area as also open area, which is used for feeding of the birds. There is also a temple adjacent thereto. Petitioner would not have any objection to the

construction of the road by the Central Government on public land. However, the respondents are constructing road adjacent to the house of the petitioner which is in his possession. On being asked to show as to how the petitioner claims that land to be his own, the learned counsel for the petitioner could not show either any pleading or document to substantiate the claim.

In the facts and circumstances of the case, particularly when the matter involves appreciation of facts, instead of directly entertaining this writ petition, I deem it appropriate to give liberty to the petitioner to make a representation to District Collector, Jaipur. In case he is able to show any title in the land in dispute, the District Collector shall look into the matter and dispose of the

representation within one month from the date of its receipt so as to remedy his grievance. If however the petitioner is not able to prove his ownership over the land, the respondents would go on with the work of construction of road.

With these observations, the writ petition is disposed of.

(Mohammad Rafiq), J.

Rs/-